



UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/955,373	10/21/97	MOURITSEN	

08/955,373 10/21/97 MOURITSEN

S P58774US3

EXAMINER

HM12/0201  
 JACOBSON PRICE HOLMAN AND STERN  
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 400 SEVENTH STREET NW  
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ART UNIT SCHWADRON, R

PAPER NUMBER

DATE MAILED 06/44

*Below is a communication from the EXAMINER in charge of this application*  
**COMMISSIONER OF PATENTS AND TRADEMARKS**

02/01/01

#### ADVISORY ACTION

THE PERIOD FOR RESPONSE:

- a)  is extended to run \_\_\_\_\_ or continues to run \_\_\_\_\_ from the date of the final rejection
- b)  expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 11/2/2008 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1.  The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:

- a.  There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b.  They raise new issues that would require further consideration and/or search. (See Note).
- c.  They raise the issue of new matter. (See Note).
- d.  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e.  They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See ENCLOSED NOTE

2.  Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3.  Upon the filing an appeal, the proposed amendment  will be entered  will not be entered and the status of the claims will be as follows:

Claims allowed: None

Claims objected to: r/1A

Claims rejected: 26, 28, 45-47, 49, 50, 53

However;

Applicant's response has overcome the following rejection(s):

4.  The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because the pending rejections as applied to claims under consideration remain to the reasons of record.

5.  The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

The proposed drawing correction  has  has not been approved by the examiner.

Other See ENCLOSED NOTE

*R. Schwadron*  
 RONALD B. SCHWADRON  
 PRIMARY EXAMINER  
 GROUP 1800 1600

6. Proposed claim 54 raises the issue of new matter in the recitation of "introduce minimal tertiary structure changes". There is no support in the specification as originally filed for said limitation. In addition, said limitation would require a new search of the art and new potential rejections over the art. Proposed claim 55 raises the issue of new matter in the recitation of "essentially preserve a maximum number of B-cell epitopes". There is no support in the specification as originally filed for said limitation. Regarding applicants comments, page 3 of the specification does not disclose the aforementioned limitation. In addition, said limitation would require a new search of the art and new potential rejections over the art.

7. Regarding the amendment filed 10/16/2000, upon mailing of this Advisory Action, this case will be returned to the Examiner and a second Advisory Action addressing said amendment will be issued.

8. Papers related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Papers should be faxed to Group 1600 at (703) 305-3014.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

Ron Schwadron, Ph.D.  
Primary Examiner  
Art Unit 1644  
January 31, 2001

  
RONALD B. SCHWADRON  
PRIMARY EXAMINER  
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